

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

GARY B. WILLIAMS, )  
                        )  
Plaintiff,           )  
                        )  
v.                     )                              Civil Action No. 3:11CV311-HEH  
                        )  
DAVID L. SIMONS, *et al.*, )  
                        )  
Defendants.          )

**MEMORANDUM OPINION  
(Dismissing Action Without Prejudice)**

Gary Buterra Williams, a Virginia inmate proceeding *pro se*, submitted this action and has requested leave to proceed *in forma pauperis*. The pertinent statute provides:

In no event shall a prisoner bring a civil action [*in forma pauperis*] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g).

Williams has at least three other actions that have been dismissed as frivolous or for failure to state a claim. *See Williams v. Maskelony*, No. 3:09cv500, 2009 WL 3762242, at \*1 (E.D. Va. Nov. 9, 2009) (listing cases). Williams's current pleading does not demonstrate that he is in imminent danger of serious physical harm. Accordingly, by Memorandum Order entered on June 9, 2011, the Court denied Williams's request to

proceed *in forma pauperis* and directed Williams to the pay the \$350.00 filing fee within eleven (11) days of the date of entry hereof.

More than eleven (11) days has elapsed since the entry of the June 11, 2011 Memorandum Order and Williams has not paid the required filing fee. Accordingly, the action will be dismissed without prejudice.

An appropriate Order shall accompany this Memorandum Opinion.

  
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/s/  
HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE

Date: July 15, 2011,  
Richmond, Virginia